

FORTY-THIRD DAY

(Wednesday, March 31, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Monday, March 29, 1943, was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Bullock was granted leave of absence for today and indefinitely on account of illness, on motion of Senator Moffett.

Reports of Standing Committees

Senator Moffett submitted the following reports:

Austin, Texas,
March 31, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Agricultural Affairs to whom was referred H. B. No. 291, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
March 31, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Agricultural Affairs to whom was referred H. B. No. 415, have had same under

consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
March 31, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Agricultural Affairs to whom was referred H. C. R. No. 25, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Senator Stone submitted the following report:

Committee Room,
Austin, Texas,
March 24, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 519, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

Senator Lovelady submitted the following reports:

Austin, Texas,
March 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred S. B. No. 186, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but the Committee substitute do pass and be printed.

LOVELADY, Chairman.

Austin, Texas,
March 30, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred S. B. No. 141, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LOVELADY, Chairman.

Austin, Texas,
March 30, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred H. C. R. No. 48, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LOVELADY, Chairman.

Senator Weinert submitted the following report:

Austin, Texas,
March 31, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 661, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Senate Resolution 65

Senator Beck offered the following resolution:

Whereas, Hon. Gordon Milton Burns, former distinguished Member of the Senate of Texas is in the Capitol; and

Whereas, Senator Burns during his service as a Member of the Senate of Texas rendered to the State distinguished and unselfish service, and upon all occasions endeared himself to the Members of the Senate because of his determination to be fair; now, therefore, be it

Resolved, That Senator Burns be invited to address the Senate and that he be extended the privileges of the floor for today.

The resolution was read and was adopted.

Senate Bill 251 Set as Special Order

Senator Weinert moved that S. B. No. 251 be set as a special order for tomorrow immediately after disposition of the House bills on the calendar for that day.

The motion prevailed by the following vote:

Yeas—18

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Moore
Graves	Morris
Hazlewood	Stone
Jones	Weinert
Lane	Winfield

Nays—3

Moffett	Vick
Sulak	

Absent

Lanning	York
Ramsey	

Absent—Excused

Bullock	Lemens
Fain	Shivers
Formby	Spears
Kelley	

Senate Bill 200 Set as Special Order

Senator Aikin moved that S. B. No. 200 be set as a special order for consideration immediately after disposition of S. B. No. 251, which has been set as a special order for tomorrow immediately after disposition of the House bills on the calendar for that day.

The motion prevailed by the following vote:

Yeas—20

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Graves	Morris
Hazlewood	Stone
Jones	Vick
Lane	Weinert
Lovelady	Winfield

Nays—1

Sulak

Absent

Lanning	York
Ramsey	

Absent—Excused

Bullock	Lemens
Fain	Shivers
Formby	Spears
Kelley	

Reports of Standing Committees

Senator Lanning, by unanimous consent, submitted at this time the following reports:

March 30, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 331, have had the same under consideration, and I am instructed to report it back to the Senate favorably with the recommendation that it do pass and be mimeographed.

LANNING, Chairman.

March 30, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 332, have had the same under consideration, and I am instructed to report it back to the Senate favorably with the recommendation that it do pass and be printed.

LANNING, Chairman.

March 30, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 330, have had the same under consideration, and I am instructed to report it back to the Senate favorably with the recommendation that it do pass and be mimeographed.

LANNING, Chairman.

March 30, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 163, have had the same under consideration, and I am instructed to report it back to the Senate favorably with the recommendation that it do pass and be printed.

LANNING, Chairman.

March 30, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred H. B. No. 137, have had the same under

consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANNING, Chairman.

March 30, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 77, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANNING, Chairman.

March 30, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 333, have had the same under consideration, and I am instructed to report it back to the Senate favorably with the recommendation that it do pass and be printed.

LANNING, Chairman.

Senator Moffett, by unanimous consent, submitted at this time the following report:

Austin, Texas,
March 31, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 69, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Chairman.

House Concurrent Resolution 69

On motion of Senator Jones, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 69, Relating to a compact with State of Oklahoma in respect to fishing rights in waters of Red River.

The President laid the resolution before the Senate, it was read second time and was adopted.

House Concurrent Resolution 75

On motion of Senator Ramsey, and by unanimous consent, the regular order of business was suspended, to take up for consideration at this time:

H. C. R. No. 75, Requesting the War Production Board, Washington, D. C., to renew its approval of the application for the construction of plants at Rusk, Texas.

The President laid the resolution before the Senate, it was read second time and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 31, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

H. C. R. No. 66, To grant W. F. Knippa permission to sue the State.

H. C. R. No. 81, Inviting the Hon. Robert S. Kerr, Governor of Oklahoma, to address a joint session of the Legislature.

H. B. No. 669, A bill to be entitled "An Act to amend Subdivision 29 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the 29th District Court in Hood, Palo Pinto and Erath Counties, constituting the 29th Judicial District of Texas; etc.; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

**House Concurrent Resolution 66
Referred**

H. C. R. No. 66, received from the House today, was read and referred to the Committee on State Affairs.

House Bill on First Reading

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 669, to Committee on Civil Jurisprudence.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
March 31, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred H. B. No. 36, have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Austin, Texas,
March 31, 1943.

Hon. John Lee Smith, President of the Senate.

We, the Committee on Criminal Jurisprudence to whom was referred S. B. No. 253, have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do not pass but that the Committee substitute attached hereto do pass and be printed.

STONE, Chairman.

Austin, Texas,
March 31, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred H. B. No. 299, have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Austin, Texas,
March 31, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, the Committee on Criminal Jurisprudence to whom was referred S. B. No. 240, have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Austin, Texas,
March 31, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: We, your Committee on Game
and Fish to whom was referred H.
B. No. 667, have had the same under
consideration, and we wish to report
it back to the Senate with the rec-
ommendation that it do pass and be
not printed.

STONE, Chairman.

Austin, Texas,
March 30, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: We, your Committee on In-
surance to whom was referred S. B.
No. 296, have had the same under
consideration, and I am instructed to
report it back to the Senate with the
recommendation that it do not pass,
but that the Committee substitute
attached hereto do pass in lieu thereof
and be printed.

VICK, Chairman.

Austin, Texas,
March 30, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: We, your Committee on In-
surance to whom was referred S. B.
No. 297, have had the same under
consideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, to-
gether with the attached Committee
amendment and be printed.

VICK, Chairman.

Austin, Texas,
March 30, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: We, your Committee on Insur-
ance to whom was referred S. B. No.
298, have had the same under con-
sideration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do not pass,
but that the Committee substitute
attached hereto do pass in lieu thereof
and be printed.

VICK, Chairman.

Austin, Texas,
March 30, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: We, your Committee on In-
surance to whom was referred S. B.

No. 299, have had the same under
consideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass and
be printed.

VICK, Chairman.

Austin, Texas,
March 30, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: We, your Committee on In-
surance to whom was referred S. B.
No. 300, have had same under con-
sideration, and I am instructed to
report it back to the Senate with
the recommendation that it do pass
and be printed.

VICK, Chairman.

Austin, Texas,
March 30, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: We, your Committee on In-
surance to whom was referred S. B.
No. 301, have had the same under
consideration, and I am instructed to
report it back to the Senate with
the recommendation that it do pass
and be printed.

VICK, Chairman.

Austin, Texas,
March 30, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: We, your Committee on In-
surance to whom was referred S.
B. No. 304, have had the same under
consideration, and I am instructed to
report it back to the Senate with the
recommendation that it do not pass,
but that the Committee substitute at-
tached hereto do pass in lieu thereof
and be printed.

VICK, Chairman.

Austin, Texas,
March 30, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: We, your Committee on In-
surance to whom was referred S. B.
No. 305, have had the same under
consideration, and I am instructed to
report it back to the Senate with
the recommendation that it do pass
and be printed.

VICK, Chairman.

Austin, Texas,
March 30, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. No. 306, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, together with the attached Committee amendment and be printed.

VICK, Chairman.

Austin, Texas,
March 30, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. No. 307, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VICK, Chairman.

Austin, Texas,
March 30, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. No. 318, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

VICK, Chairman.

Austin, Texas,
March 29, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Agriculture to whom was referred H. B. No. 295, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Address by Hon. Gordon M. Burns

Pursuant to the provisions of S. R. No. 65, adopted today, the President appointed Senators Beck, Moore, and Aikin as a committee to escort Hon. Gordon M. Burns to the President's desk.

The committee performed the duty assigned it, and Hon. Gordon M.

Burns was presented to the Senate by Senator Beck.

Hon. Gordon M. Burns then addressed the Senate briefly.

Senate Bill 134 with House Amendments

Senator Jones called S. B. No. 134 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

On motion of Senator Jones, the Senate concurred in the House amendments.

House Bill 661 on Second Reading

On motion of Senator York, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 661, A bill to be entitled "An Act to amend Subsection 21 of Article 199, Title 8, of the Revised Statutes of Texas, so as to change the time and terms of holding the 21st District Court in Washington, Lee, Bastrop, and Burleson Counties, constituting the 21st Judicial District of Texas; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 661 on Third Reading

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 661 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Graves	Moore
Hazlewood	Morris
Jones	Ramsey
Lane	Stone
Lanning	Sulak

Vick	Winfield
Weinert	York

Absent—Excused

Bullock	Lemens
Fain	Shivers
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Bullock	Lemens
Fain	Shivers
Formby	Spears
Kelley	

Committee Substitute House Joint Resolution 18

The President laid before the Senate on its second reading:

C. S. H. J. R. No. 18, Proposing an amendment to Section 9 of Article 8 of the Constitution of the State of Texas, by changing said Section 9 so as to provide that the commissioners' court in any county may reallocate the county tax levies authorized in said Section by changing the rates provided for any of the purposes authorized in said Section by either increasing or decreasing the same, but in no event shall the total of such taxes exceed Eighty Cents on the One Hundred (\$100) Dollars valuation for any one year; providing that before such commissioners' court may make such reallocations and changes in such levies that the same shall be submitted to the qualified property tax-paying voters of such county at a general or special election and shall be approved by a majority of the qualified property tax-paying voters, voting in such election; provid-

ing that if and when such reallocations and changes in such county tax levies have been approved by the qualified property taxpaying voters of any county as herein provided, such reallocations and changes shall remain in force and effect for a period of six years from the date of the election at which same shall be approved, unless the same again shall have been changed by a majority vote of the qualified property tax-paying voters of such county, voting on the proposition, after submission by the commissioners' court at a general or special election for that purpose; providing that this Section shall not be construed as a limitation on powers delegated to counties, cities or towns by any other Section or Sections of this Constitution; fixing the time for the election for the adoption or rejection of said proposed constitutional amendment; making certain provisions for said election and ballots thereof and the method thereof; directing the issuance of proclamation therefor; prescribing certain duties of the Governor of the State of Texas; and making an appropriation to defray the expenses of said election.

The resolution was read second time.

The resolution was passed to third reading by the following vote:

Yeas—24

Aikin	Moffett
Beck	Moore
Brownlee	Morris
Chadick	Ramsey
Cotten	Stone
Graves	Sulak
Hazlewood	Vick
Jones	Weinert
Lane	Winfield
Lanning	York
Lovelady	Mauritz
Martin	Metcalf

Absent—Excused

Bullock	Lemens
Fain	Shivers
Formby	Spears
Kelley	

Committee Substitute House Joint Resolution 18 on Third Reading

Senator Graves moved that the Senate rule requiring joint resolutions to be read on three several days be suspended and that C. S. H. J. R.

No. 18 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Bullock	Lemens
Fain	Shivers
Formby	Spears
Kelley	

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Bullock	Lemens
Fain	Shivers
Formby	Spears
Kelley	

Senate Resolution 66

(Local and Uncontested Bills)

Senator Lovelady, by unanimous consent, offered at this time the following resolution:

Be It Resolved by the Senate of Texas, That at such times as the Senate may direct there shall be prepared local and uncontested calendars, which calendars shall be prepared by a committee of three appointed by the Lieutenant Governor.

No bills or resolutions shall be placed on such calendar which contain appropriations or create new departments or subdivisions of departments, except purely local bills where the expenditure is not from State funds.

No bills or resolutions which the committee feels might create a controversy shall be placed on such calendar. Any bill or resolution on such calendar shall not be considered if as many as three Members present object to such consideration.

The calendar shall be placed on the desk of the Members at least six hours before any such session. The committee may name a time after which applications for a place on the calendar may not be made.

No bill or resolution shall be considered at such session and no other business transacted unless such is placed on the calendar by the committee; and it is agreed by the Senate as a matter of good faith among its Members that this provision cannot be suspended.

The resolution was read; and on motion of Senator Lovelady, and by unanimous consent, it was considered immediately.

The resolution was adopted by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Bullock	Lemens
Fain	Shivers
Formby	Spears
Kelley	

Night Session to Consider Local and Uncontested Bills

Senator Lovelady moved that the Senate hold a session at 8:00 o'clock p. m. on Monday, April 5, 1943, to consider local and uncontested bills.

The motion prevailed.

Removal of Local Game Bills from Calendar

Senator Lanning moved that all local game bills on today's calendar of House bills be removed therefrom, so that they may be placed on a calendar of local and uncontested bills by the committee to be appointed pursuant to S. R. No. 66.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Bullock	Lemens
Fain	Shivers
Formby	Spears
Kelley	

Hour for Executive Session

On motion of Senator Brownlee, and by unanimous consent, the Senate agreed to hold an executive session at 11:45 o'clock a. m. today.

House Concurrent Resolution 80

On motion of Senator Martin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 80, Inviting Hon. W. Lee O'Daniel to address a joint session of the Legislature.

The President laid the resolution before the Senate, and it was read and adopted.

House Bill 72 on Second Reading

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 72, A bill to be entitled "An Act to amend Articles 2112 and 2117 of the Revised Civil Statutes of 1925 prescribing the procedure for

the securing of a jury; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 72 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 72 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Bullock	Lemens
Fain	Shivers
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Bullock	Lemens
Fain	Shivers
Formby	Spears
Kelley	

House Concurrent Resolution 48

On motion of Senator Brownlee, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 48, Designating Mrs. Bess Odell Beeman as Texas Poet of Radio.

The President laid the resolution before the Senate, it was read second time and was adopted.

House Bill 56 on Second Reading

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 56, A bill to be entitled "An Act providing for the suspension of the running of the primary and principal terms of certain State leases by the School Land Board in certain instances; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to third reading?

Executive Session

At 11:45 o'clock a. m., the President announced that the hour previously set for an executive session had arrived.

The Sergeant-at-Arms was directed to clear the floor and galleries of all those not entitled to attend the executive session and to close all doors leading from the Senate Chamber.

After Executive Session

At the conclusion of the executive session, the Secretary of the Senate reported to the Journal Clerk that the following nominations of the Governor had been confirmed by the Senate:

To be Members of the Board of Regents of State Teachers Colleges (terms expiring January 1, 1949):

H. L. Mills of Houston, Harris County, Texas;

Newton S. Harrell of Claude, Armstrong County, Texas;

S. A. Kerr, Jr., of Jacksonville, Cherokee County, Texas.

To be a Member of the Board of Directors of the Agricultural and Me-

chanical College of Texas (term expiring January 10, 1949):

H. L. Kokernot, Jr., of Alpine, Brewster County, Texas.

The President called the Senate to order as in legislative session at 12:20 o'clock p. m.

Appointment of Special Committee

Pursuant to S. R. No. 66, the President announced the appointment of the following committee on local and uncontested bills:

Senator Moore, chairman; Senators Stone, and Lovelady.

Senate Concurrent Resolution 37

Senator Sulak, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 37, Inviting the Hon. Tom Linder, Commissioner of Georgia to address a joint session of the Legislature.

Whereas, It is understood that the Honorable Tom Linder, Commissioner of Agriculture of Georgia, is in Texas for a short time; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That he be invited to address a joint session of the Legislature at 11:30 a. m. on Thursday, April 1, and that a committee of three Members of the Senate and three Members of the House be directed to extend an invitation to Mr. Linder to deliver such address.

The resolution was read; and, by unanimous consent, it was considered immediately.

The resolution was adopted.

House Bill 667 on Second Reading

On motion of Senator Mauritz, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 667, A bill to be entitled "An Act for the purpose of conserving the oyster resources of Aransas, Nueces, Calhoun, and Matagorda Counties, and providing a closed season for the taking of such oysters, providing a penalty for the violation, repealing certain laws, and parts of laws in conflict herewith; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 667 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 667 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Bullock	Lemens
Fain	Shivers
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Bullock	Lemens
Fain	Shivers
Formby	Spears
Kelley	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 31, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 665, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1943, and ending August 31, 1945; etc.; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill on First Reading

The following House bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 665, to Committee on Finance.

Adjournment

Senator Metcalfe moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Aikin moved that the Senate recess to 2:30 o'clock p. m. today.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—15

Brownlee	Lovelady
Chadick	Martin
Cotten	Mauritz
Graves	Metcalf
Hazlewood	Stone
Jones	Vick
Lane	York
Lanning	

Nays—6

Aikin	Morris
Beck	Sulak
Moffett	Winfield

Absent

Moore	Weinert
Ramsey	

Absent—Excused

Bullock	Lemens
Fain	Shivers
Formby	Spears
Kelley	

The Senate, accordingly, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

FORTY-FOURTH DAY

(Thursday, April 1, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of yesterday was dispensed with and the Journal was approved.

Bill Ordered Mimeographed

Senator Aikin moved that the Educational Appropriation bill (S. B. No. 333) be mimeographed and be not printed.

The motion prevailed.

Message from the Governor

The following message from the Governor was received and was read to the Senate:

Austin, Texas,
April 1, 1943.

To the Members of the Forty-eighth Legislature:

I submit for your consideration as an emergency matter, under the au-

thority of Section 5, Article III of the Constitution, the following subject of legislation:

"An Act amending Article 5949, Vernon's Civil Statutes of Texas, 1925, as amended; providing for the appointment of Notaries Public for each County of the State of Texas . . . and declaring an emergency."

The present law governing the procedure of appointing Notaries Public was passed in 1881, at a time when the number of appointments was comparatively small and the accompanying clerical work involved was of no great consequence. The procedure has not been revised since the adoption of the constitutional amendment placing the appointive power of Notaries Public in the office of the Secretary of State.

The present law illogically requires that a commission be issued to all appointees before they are given notice of their appointment by the county clerk, compliance with which is a physical impossibility since the number of appointments has risen to approximately 60,000 each biennium, a great majority of whom qualify on June first of odd numbered years. The office of the Secretary of State, some years ago was forced to abandon the present statutory procedure and issue commissions to Notaries Public only after they had qualified for their office. The Attorney General, however, has ruled that under the present law appointments thus made are illegal. It is made clear, however, in the ruling, that the acts of Notaries Public so appointed are not thereby invalidated.

Much confusion has arisen in the offices of various county clerks by reason of the fact that many applications for appointment were made without the mailing address and age of the applicant being known.

The present law is further deficient in that no requirement is made with respect to sureties on the bonds of notaries; and some misunderstandings have arisen in the past as to whether the records of appointment were public before the officer had qualified.

I am advised by the Secretary of State that a bill has been prepared which is designed to clarify the above matters in accordance with various rulings of the Attorney General, and